

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

4218 PARTNERS LLC,

Debtor.

Chapter 11

Case No. 19-44444 (NHL)

JOINT REPORT OF RULE 26(F) DISCOVERY CONFERENCE

Pursuant to the Court's *Contested Matter Scheduling Order* dated October 13, 2019 [Doc. No. 31] (the "**Scheduling Order**") and Rule 26(f) of the Federal Rules of Civil Procedure (the "**Federal Rules**"), made applicable to this proceeding by Rule 7026 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), undersigned counsel, having conducted an initial Rule 26(f) conference by telephone on October 30, 2019 and having further conferred on December 13, 2019 with respect to the topics set forth in Federal Rule 26(f) (collectively, the "**Discovery Conference**"), respectfully provide the following report (the "**Joint Report**"):

A. The Parties

1. In attendance at the Discovery Conference were (i) Isaac Nutovic for 4218 Partners LLC (the "**Debtor**"); and (ii) Paris Gyparakis for Maguire Ft. Hamilton LLC ("**Maguire**") and together with the Debtor, the "**Parties**").

B. Settlement

2. The Parties have engaged and continue to engage in settlement discussions in good faith.

C. Automatic Disclosure Requirements

3. During the Discovery Conference, the Parties complied with the automatic disclosure requirements of Federal Rules 26(a)(1) and (2) by discussing, among other things:

- a. The name, and if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings; and
- b. A general description, by category, of all documents, data compilations, and tangible items in the possession, custody, or control of the Parties relevant to disputed facts alleged with particularity in the pleadings.

D. Discovery Plan

4. The Parties discussed the timing and scope of discovery at the Discovery Conference, including the names of all proposed witnesses, and jointly propose to the Court the following discovery plan:

- a. All requests for: (i) interrogatories pursuant to Federal Rule 33(a)(1); (ii) admissions; (iii) document production; and (iv) depositions will be exchanged by the Parties by December 24, 2019.
- b. Depositions will be held from January 15, 2020 through February 7, 2020.
- c. In accordance with the Scheduling Order, all discovery, including depositions of expert witnesses pursuant to Federal Rule 26(b)(4), will be commenced in time to be completed by February 7, 2020.
- d. Dispositive motions will be filed by February 16, 2020.
- e. Damages analyses will be provided by any party who has a claim or counterclaim for damages by February 16, 2020.
- f. In accordance with the Scheduling Order, each party will file its Statement, as defined in the Scheduling Order, by February 24, 2020.

E. Readiness

5. In accordance with the Scheduling Order, the matter will be ready for the final hearing on the merits scheduled by the Court on March 16, 2020 at 11:00 a.m.

6. The Parties anticipate that the hearing will last approximately one hour.

F. Statement Pursuant to Bankruptcy Rule 7008(a)

7. Pursuant to Bankruptcy Rule 7008(a), the Parties consent to the entry of final orders or judgments by the Court if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

G. Conduct

8. As officers of the Court, undersigned counsel agreed to cooperate with each other and the Court to promote the just, speedy and inexpensive adjudication of this matter.

Dated: December 19, 2019

NUTOVIC & ASSOCIATES
Counsel to the Debtor

By: /s/ Isaac Nutovic
Isaac Nutovic

261 Madison Avenue, 26th Floor
New York, NY 10016
(212) 421-9100

Dated: December 19, 2019

ROSEN & ASSOCIATES, P.C.
Counsel to Maguire

By: /s/ Paris Gyparakis
Paris Gyparakis

747 Third Avenue
New York, NY 10017
(212) 223-1100